IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4334 OF 2004

Kisan Chandu Rathod ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri V.V. Purwant for Applicant.
Shri S. R. Shinde, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 18.10.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

. The Applicant is accused No.13 in a case registered with Foujdar Chaudi Police Station, Solapur being C.R. No. 159/2004. The applicant is not named in the FIR. The only role abscribed to the applicant is that he gave shelter to the prime accused. To support this position, reliance is placed on the statements of Nagesh Nagmode and Jaffar Mulla. On a fair reading of the statements of these two persons, only asserstion made is that they had seen prime accused in the residence of the applicant. The

learned APP fairly accepts that there is no material on record to even remotely suggest that the applicant had knowledge of the activity of the prime accused or that he had knowingly given shelter to the prime accused. If it is so, the applicant deserves to be enlarged on bail on certain conditions as under :-

> The Applicant be released on bail in connection with C.R.No. 159/2004, registered with Foujdar Chaudi Police Station, Solapur on executing personal bond in the sum of Rs. 25,000/- (Rs. Twenty -five thousand only) with two local sureties in the like amount.
>
> The Applicants shall regularly report to the Foujdar Chaudi Police Station once in a month on first Saturday of every english calendar month between 10 a.m. to 1 p.m.
>
> The Applicant shall extend full co-operation for early disposal of the trial. If the trial court is of the opinion that the applicant is responsible for delay in trial that fact be recorded in the Rozanama, which can be a

ground for cancellation of bail.

The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

. Order accordingly.

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